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October 22, 2020


**VIA ECF**

Honorable Debra C. Freeman  
Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

The proposals contained herein, with respect to the representation of Link Motion Inc. ("LKM") and anticipated motion practice, are approved without prejudice to the parties' rights to raise any relevant issues in the future. Counsel should duly file a notice of appearance for LKM.

Dated: 10/23/2020

SO ORDERED

  
DEBRA FREEMAN  
United States Magistrate Judge

Robert W. Seiden, Esq.  
Steve E. Seiden, Esq.  
Michael Stolper, Esq.  
Amiad Kushner, Esq.  
Jake Nachmani, Esq.  
Dov B. Gold, Esq.  
Adam Rosen, Esq.  
Richard Frankel, Esq.  
Andrew Sklar, Esq.  
Claudia Varner, Paralegal  
Kayla Conway, Analyst

**Re: *Baliga v. Link Motion Inc. et al.* 1:18-cv-11642-VM-DCF (S.D.N.Y.)**

Dear Judge Freeman:

Pursuant to the case management conference held on October 15, 2020, counsel for plaintiff Wayne Baliga ("Plaintiff" or "Baliga"), defendant Vincent Wenyong Shi ("Defendant" or "Shi"), and Robert W. Seiden ("Receiver") jointly submit this letter to apprise the Court of the parties' resolution of the issue of who, moving forward, will represent Link Motion Inc. ("LKM" or the "Company") in this action.

Plaintiff and Shi agree that, subject to the Court's approval, Michael Maloney of Felicello Law P.C., counsel for Shi, will represent the Company with respect to its interests in the motion to dismiss that Shi intends to file on November 4, 2020 subject to the conditions that (i) should a future conflict arise between Felicello Law's continued representation of the Company and its representation of Shi, Mr. Maloney and Felicello Law shall have the right to continue to represent Shi even if they are required to withdraw as counsel for the Company; and (ii) Shi may withdraw his motion for indemnification (ECF Dkt. Nos. 169-71) without prejudice to refile at a later date. Certainly, as to the motion to dismiss now scheduled to be filed on November 4, 2020, Shi and LKM have an identity of interests and will likely raise overlapping, if not substantively identical defenses and, therefore, the parties do not perceive a present conflict of interest between the Company and Shi with respect to the motion to dismiss.

Counsel for Plaintiff has conferred with the Receiver and is advised that the Receiver consents to the arrangement described above. The parties hereby seek the approval of the Court of this arrangement. In the event the Court approves the foregoing arrangement, Shi's motion for indemnification shall be deemed withdrawn without prejudice.



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As to defendant Shi's to-be-filed motion to dissolve the Receivership, Shi respectfully submits that this motion can be resolved based on submissions from Plaintiff, Shi and the Receiver without separate counsel or submissions by the Company and respectfully refers the Court and the parties to 28 U.S.C. § 959. Shi intends to file the motion contemporaneously with the motion to dismiss on November 4, 2020. Plaintiff and the Receiver do not object to this proposal but reserve all rights.

Counsel for the parties and the Receiver are available to discuss these issues at the Court's convenience.

Dated: October 22, 2020

/s/ Jake Nachmani  
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